

8/26/08

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**----- x
DCML LLC,

Plaintiff,

08 cv 5829 (SAS)

v.

DANKA BUSINESS SYSTEMS PLC, A.D. :
FRAZIER, W. ANDREW MCKENNA, DR. KEVIN :
C. DALY, JAIME W. ELLERTSON, :
CHRISTOPHER B. HARNED, J. ERNEST :
RIDDLE, ERIK VONK, DAVID DOWNES, :
JOSEPH E. PARZICK, and CYPRESS MERCHANT :
BANKING PARTNERS II LP,

ECF Case**Electronically Filed**

Defendants.

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**STIPULATION AND PROPOSED ORDER CONCERNING BRIEFING
SCHEDULE FOR DEFENDANTS' RULE 12(b)(6) AND RULE 11 MOTIONS**

This Stipulation and Proposed Order Concerning Briefing Schedule for Defendants' Rule 12(b)(6) and Rule 11 Motions (the "Stipulation") is entered into by and among the parties to the above-captioned action, through their undersigned counsel.

WHEREAS, on June 27, 2008, plaintiff DCML LLC ("DCML") filed with the United States District Court for the Southern District of New York (the "Court") a Complaint asserting allegations against defendants Danka Business Systems PLC ("Danka"), A.D. Frazier, W. Andrew McKenna, Dr. Kevin C. Daly, Jaime W. Ellertson, Christopher B. Harned, J. Ernest Riddle, Erik Vonk, David Downes, Joseph E. Parzick, and Cypress Merchant Banking Partners II, L.P. ("Cypress") (collectively, the "Defendants").

WHEREAS, on July 10, 2008, DCML filed with the Court a First Amended Complaint asserting allegations against the Defendants.

WHEREAS, on August 22, 2008, all of the Defendants except Cypress filed with the Court a motion to dismiss the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the “Rule 12(b)(6) Motion”), and Danka filed with the Court a motion for sanctions against DCML pursuant to Rule 11 of the Federal Rules of Civil Procedure (the “Rule 11 Motion”).

WHEREAS, on August 25, 2008, counsel for the parties met and conferred by telephone to discuss, among other things, a schedule for the filing of additional briefs concerning the Rule 12(b)(6) Motion and the Rule 11 Motion.

THEREFORE, the parties stipulate and agree as follows:

1. Cypress shall file and serve any joinder with respect to the Rule 12(b)(6) Motion or any separate motion to dismiss the First Amended Complaint (together with the Rule 12(b)(6) Motion and the Rule 11 Motion, the “Motions”) and any memorandum of law or any other papers in connection therewith no later than September 5, 2008.

2. DCML shall file and serve any memorandum of law in opposition to the Motions and any other papers in connection therewith no later than September 19, 2008.

3. The Defendants shall file and serve any reply memorandum of law in support of the Motions and any other papers in connection therewith no later than October 3, 2008.

4. Pending the Court's decisions with respect to the Motions, all proceedings in this action, including, without limitation, the time for making the initial disclosures required under Rule 26(a)(1) of the Federal Rules of Civil Procedure and any discovery of any kind by any of the parties, shall be stayed.

Dated: New York, New York
August 26, 2008

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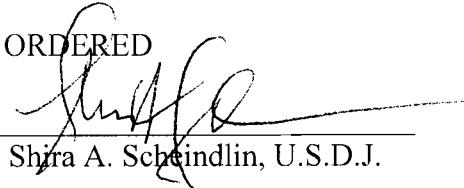
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SO ORDERED



Shira A. Scheindlin, U.S.D.J.

Dated: New York, New York
August 26, 2008